

ORIGINAL

Decision No. 70636

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CARL M. STRADLEY,
Complainant,
vs.
GENERAL TELEPHONE CO.,
a corporation,
Defendant.

Case No. 8289

Carl M. Stradley, in propria persona.
Albert M. Hart and Paul A. Raymond, by
Paul A. Raymond, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 16727 Gagnant, Covina, California. Interim restoration was ordered pending further order (Decision No. 69916, dated November 9, 1965).

Defendant's answer alleges that on or about July 28, 1965, it had reasonable cause to believe that service to Carl M. Stradley, under number 339-0273, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on March 21, 1966.

By letter of July 28, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 339-0273, was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to the answer of the defendant on file.

Complainant testified that he has an elderly mother living in Pittsburg, Kansas, with whom he must communicate by telephone; that he has suffered a heart attack and must keep in touch with his doctor; that he has no knowledge of any unlawful use of his telephone; that he has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

There was no appearance by or testimony from any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose.

Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 69916, dated November 9, 1965, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 31st day of MAY, 1966.

Frederick B. Holshoff
 President

George H. Crowder

Augustine

Commissioners

*I dissent per [unclear]
 William [unclear]*